

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

United States of America,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:11-CR-35-PLR-HBG
	)	
Michael A. Ogle,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter came before the Court on January 16, 2015, for a sentencing hearing. Assistant United States Attorney Tracy Stone appeared on behalf of the government. The defendant, Michael A. Ogle, was present and was proceeding *pro se*, as the Court has allowed him to do in the past. Charles Webber appeared as elbow counsel for Mr. Ogle.

During the hearing, Mr. Ogle indicated he been given medication that made it difficult for him to communicate with the Court and his elbow counsel. The Court recessed to allow the United States Marshals to obtain information regarding the medication, and after hearing testimony by the United States Marshal, hearing from Mr. Ogle, and witnessing Mr. Ogle's demeanor, the Court found that the defendant was unable to proceed. Accordingly, the Court continued Mr. Ogle's sentencing to a later date to be determined once Mr. Ogle is stabilized.

To determine the defendant's competency to proceed with his sentencing hearing, the Court will hold a hearing pursuant to 18 U.S.C. § 4241. That hearing has been

scheduled for February 3, 2015 at 1:30 P.M. At a competency hearing, “the person whose mental condition is the subject of the hearing shall be represented by counsel[.]” 18 U.S.C. § 4247(d). Despite Mr. Ogle’s desire to represent himself, he cannot do so at his own competency hearing. *United States v. Ross*, 703 F.3d 856, 869 (6th Cir. 2012). Accordingly, this Court is required to appoint counsel to serve until Mr. Ogle’s competency is resolved. The appointment of counsel is in Mr. Ogle’s best interest and will serve to protect his rights.

The Court therefore **Orders** that elbow counsel, Charles Webber, be appointed to serve as Mr. Ogle’s counsel of record until questions regarding Mr. Ogle’s competency are resolved. The parties are ordered to appear before this Court for a competency hearing and status conference on **February 3, 2015 at 1:30 p.m.**

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE